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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,116	07/02/2001	Takeo Seino	Q65302	5085

7590                    06/09/2003

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[REDACTED] EXAMINER

STEWART JR, CHARLES W

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2853

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/896,116

Applicant(s)

Takeo Seino

Examiner

Charles Stewart, Jr.

Art Unit

2853



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-8, 10-21, and 24-32 is/are allowed.
- 6) Claim(s) 9, 22, and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 & 13      6)  Other: \_\_\_\_\_

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***DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 9, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated Murray et al. (US 5,610,635).

Murray et al. discloses a maintenance cartridge (40), comprising:

an outward form (46) by which a detection system of a recording apparatus can identify the maintenance cartridge,

wherein the outward form distinguishes the maintenance cartridge from an ink cartridge (see col. 10, lines 1-7).

at least one plug element (abstract),

wherein the recording apparatus comprises a recording head coupled to the supply passage (col. 15, lines 9-15), and

wherein the at least one plug element prevents liquid from flowing out of the ink supply passage from the recording head (col. 9, lines 38-49).

wherein the at least one plug element is contained in the maintenance cartridge (col. 14, lines 43-48).

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***Allowable Subject Matter***

3. Claims 1-8, 10-21, 24-31 and 32 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1, recites the limitation in combination of at least one plug element, provided in a region corresponding to an ink supply port of the ink cartridge, for sealing an ink supply needle that supplies ink to an ink jet recording head wherein said maintenance cartridge is a dummy cartridge that does not store fluid or supply fluid to the recording apparatus.

Claim 11, recites the limitation in combination of a control system adapted to read data from the memory devices of the cartridges and the maintenance cartridge to control a recording operation of the apparatus, wherein when the control system detects, based on the data read from the memory device of the maintenance cartridge, that the maintenance cartridge is attached to the recording apparatus, the control system executes a substitute printing operation using ink in the ink cartridge or ink cartridge mounted to the recording apparatus.

Claim 12, recites the limitation in combination of a recording head adapted to be supplied with ink from the ink cartridge through the at least one ink supply needle and the at least one ink supply port; at least one maintenance cartridge mounted to the recording apparatus, and provide with at least one plug element seals the at least one ink supply needle, wherein the at least one maintenance cartridge does not fluid or supply to the recording head.

Claim 13, recites the limitation in combination of a recording head adapted to supplied with ink from the ink cartridge through the ink supply needles and the ink supply ports; at least one maintenance cartridge mounted to the recording apparatus, and provide with plug element

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corresponding in location to the at the ink supply port of the cartridge, wherein the plug elements corresponds to and seal the ink supply needles and prevent the evaporation of a fluid contained in the recording head, wherein the at least one maintenance cartridge does not hold fluid or supply fluid to the recording head.

Claim 30, recites the limitation in combination of wherein the recording head and an ink supply passage providing a fluid connection to the recording head; and a plug element that seals the ink supply passage that supplies ink to the recording head wherein the body is incapable of holding fluid or supplying fluid to the recording head

***Response to Arguments***

5. With respect to Amendment (B), filed March 21, 2003 (Paper No.12), Applicant's arguments with respect to claims 9, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

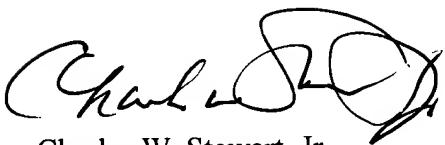
***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Stewart, Jr. at (703) 308-7252. The examiner can normally be reached on Monday-Friday from 8:30 a.m to 5:00 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Russ Adams, Art Unit 2853, can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read "Charles W. Stewart, Jr." The signature is fluid and cursive, with a large, stylized 'S' in the middle.

Charles W. Stewart, Jr.

May 30, 2003